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Port of Oakland

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRY BROWN,

Plaintiff,

vs.

PORT OF OAKLAND,

Defendant.

Case No. C 08-02358SI

**DECLARATION OF GISHELA
PORTUGAL IN SUPPORT OF MOTION
TO DISMISS PURSUANT TO FED. R. CIV.
P. 12(b)(6); AND IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56(c)**

Date: July 25, 2008
Time: 9:00 a.m.
Courtroom: 10 – 19th Floor

I, Gishela Portugal, declare as follows:

1. I am the Human Resources Operations Technician at the Port of Oakland (the “Port”). I have been employed in this position with the Port since August 2000. Part of my responsibility in this position is to maintain employee and employment-applicant records with the Port. The following statements are made upon my personal knowledge unless otherwise indicated. If called, I would competently testify to the following matters.

2. I have reviewed the Port’s employee records. The records indicate that Terry Brown resigned from his position with the Port on January 3, 2001.

3. At least as far back as January 16, 2001, the Port has utilized a record system that tracks and records the date of all employment applications with the Port. I reviewed this system for any information relative to Terry Brown. As a result of my review, I have concluded that, at

1 least as far back as January 16, 2001, Terry Brown has not applied for, nor has he been
2 considered for employment with the Port.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

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6 Dated: June 20, 2008


Gishela Portugal

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